

*United States Attorney  
Southern District of New York*

August 7, 2023

**BY ECF**

Hon. Jesse M. Furman  
United States District Judge  
Southern District of New York  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, New York 10007

**Re: *United States v. Joshua Adam Schulte*,  
S2 17 Cr. 548 (JMF)**

Dear Judge Furman:

As discussed at the July 18, 2023 status conference, the Government respectfully submits the enclosed declaration of Special Agent Aaron Spivack in connection with the review of the laptop seized from the defendant at the Metropolitan Detention Center.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

by:                     /s/                      
David W. Denton, Jr. / Michael D. Lockard /  
Nicholas S. Bradley  
Assistant United States Attorneys  
(212) 637-2744 / -2193 /-1581

cc: Defense counsel (by ECF)

Enclosure (Exhibit A – Declaration of Aaron Spivack)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

S2 17 Cr. 548 (JMF)

-v.-

JOSHUA ADAM SCHULTE,

Defendant.

STATE OF NEW YORK )  
COUNTY OF NEW YORK ss.:  
SOUTHERN DISTRICT OF NEW YORK )

I, AARON E. SPIVACK, pursuant to Title 28, United States Code, Section 1746, declare under penalty of perjury:

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since 2008. I am currently assigned to the Child Exploitation and Human Trafficking Task Force of the FBI’s New York Field Office, which is responsible for investigations of child sexual abuse materials (“CSAM”), child enticement, child exploitation, child abductions, and international parental kidnappings. Through my training and experience, I am familiar with the illegal production, distribution, receipt, and possession of CSAM, and in particular with the use of computers in connection with those offenses. Since approximately 2021, I have been certified as a Forensics Computer Examiner by the International Association of Computer Investigative Specialists.

2. Beginning in or about September 2022, I, along with other FBI Special Agents and computer scientists, was involved in reviewing and analyzing an Asus Expert Book Model B9450 laptop (the “Laptop”). I understand that the Laptop was seized from the defendant, Joshua Adam Schulte, at the Metropolitan Detention Center, although I was not personally

involved in its seizure. I became involved in the review of the Laptop after other FBI Special Agents suspected that there was CSAM on the Laptop and obtained a separate search warrant to review the Laptop for those materials.

3. I have personally reviewed the contents of the Laptop with the aid of forensic analysis tools, including Griffeye, Axiom, and Forensic Tool Kit. Based on my review of the Laptop, as described in more detail below, I have found, in substance and in part, (1) images and videos containing CSAM stored on the Laptop; and (2) forensic artifacts reflecting that files containing CSAM were accessed using the Laptop. As described below, the forensic artifacts indicate that the accessed files containing CSAM were stored both locally on the Laptop and on external storage.

4. From my review of the Laptop, I have found files depicting CSAM. I have personally opened and viewed files that appear, based on my training, experience, and familiarity with CSAM materials from other investigations, to in fact contain images depicting CSAM. For example, the file named "pic8554852.jpg" is an image that depicts a fully nude female who appears to be approximately 8 or 9 years old lying on her back with her legs spread, exposing her vagina, with a white substance in and around her genitals. Internet Explorer activity indicates this file was opened on or about July 15 and July 16, 2022. As another example, the file named "1521494\_teen\_reitet\_und\_fickt\_teen\_fuck.avi" is a video of approximately 6 minutes and 16 seconds in length that depict a fully nude female, who appears to be a minor, engaged in vaginal intercourse with a male. Internet Explorer activity and Windows Timeline Activity (described in more detail below) indicates this file was opened on or about July 2, 2022.

5. In addition, I have reviewed forensic artifacts reflecting that files containing CSAM were accessed from the Laptop, but which were not recovered from the Laptop, indicating that the underlying files were accessed from an external location.

6. For example, the forensic tool Axiom extracts data pertaining to “Windows Timeline Activity.” In brief, Windows Timeline Activity records data in a database file, saved as “ActivitiesCache.db,” showing when particular programs were used to access particular files on a computer running the Microsoft Windows operating system. With respect to the Laptop, the extracted Windows Timeline Activity shows that a number of files containing CSAM were opened using “vlc.exe,” which I recognize as the executable file for the VLC media player, a commonly used software capable of playing a number of different types of audio and video files. For example, the Windows Timeline Activity shows that vlc.exe was used to open the following files at the following times (which are recorded by the software in Universal Coordinated Time (“UTC”)):

- a. F:\[root]\downloads\9yr Rayne Creampie & Fuck Pussy.mkv was opened on July 2, 2022, at 6:00:26 PM UTC.
- b. F:\[root]\downloads\13y Ravenna Blowjob Teacher For Money (.avi was opened on July 2, 2022, at 6:02:01 PM UTC.
- c. F:\[root]\downloads\123456\(\Pthc) 2011 8yo girl with two men.avi was opened on July 2, 2022, at 6:06:17 PM UTC.
- d. D:\Documents\[root]\dwhelper\1521494 teen reitet und fickt teen fuck.avi was opened on July 3, 2022, at 2:58:31 AM UTC (described above).
- e. F:\[root]\downloads\J9yd1\J9yd\Jenny 9yo daughter\videos\Jenny 9yo daughter - dog licks her cunny and she sucks her fathers cock.avi was opened on July 9, 2022, at 1:11:12 AM UTC.
- f. F:\[root]\downloads\9 yo Vicky-1.wmv was opened on July 9, 2022, at 1:24:36 AM UTC.
- g. F:\[root]\downloads\L-FthrB\Laura 7Yo girl in bed with her father.mp4 was opened on July 9, 2022, at 1:35:44 AM UTC.

- h. F:\[root]\new\!!! NEW Pthc - 0607!!! kelly - 7yo backyard fuck & pedo kittycum.mpg was opened on July 16, 2022, at 4:27:49 PM UTC.
- i. F:\[root]\new\child web (Pthc) 10Yo Cindy - Playing With Dad Jho Alicia 8Yo Dj Ph Pthc Pedo (250).mpg was opened on July 16, 2022, at 4:29:45 PM UTC.

Based on my training and experience, I recognize the file extensions for these files as extensions for different types of video files capable of being opened in VLC media player. Thus, it appears that the user of the Laptop viewed these and other CSAM files using VLC player at the dates and times indicated.

7. Based on my training and experience, I have learned that it is common for CSAM materials to be saved with descriptive filenames such as these, and that there are certain naming conventions and abbreviations commonly used to identify CSAM materials, such as the term “PTHC” as an abbreviation for “preteen hardcore” and “7yo” as an abbreviation for a seven-year-old. I also recognize some of these filenames as likely referring to CSAM videos from known victim series, that is, CSAM videos of known victims of child rape and sexual abuse that have been circulated through the internet and other means of distribution.

8. I have been provided an Excel spreadsheet by the U.S. Attorney’s Office for the Southern District of New York that I understand reflects a file listing of the contents of the Laptop in or about July 2021, when the Laptop was originally provided to the defendant. I have searched this spreadsheet for a representative sample of the filenames of the CSAM materials recovered from the Laptop following its seizure from the defendant. None of the filenames for material identified as CSAM that I searched were included in the file listing of that drive.

9. I understand that the defendant has represented that the CSAM files recovered from the Laptop were only thumbnail images that were automatically generated by the operating system, and that there is no evidence of actual CSAM files on the Laptop or accessing of the CSAM files using the Laptop. That is incorrect. It is true that a number of the CSAM files

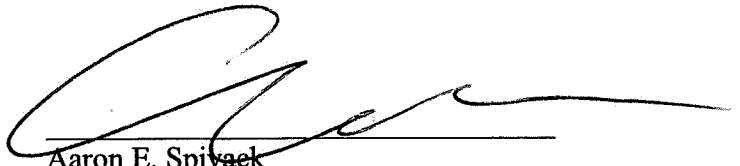
that are stored on the Laptop were also archived in a thumbnail database file named "thumbs.db." But those are not the only CSAM files found on the Laptop, and, as set forth above, there are a large number of full-sized image and video files depicting CSAM that were recovered from the Laptop. In addition, as also set forth above, forensic artifacts regarding the use of the Laptop indicate that on multiple occasions the user of the Laptop did in fact access the CSAM files stored on the laptop using a video player.

10. On or about June 27, 2023, I demonstrated some of the files containing CSAM and forensic artifacts recovered from the Laptop in an *in camera* presentation to the Honorable Jesse M. Furman, United States District Judge. That presentation was made using reports generated by the Griffeye and Axiom forensic review software. Those same reports were previously made available to the defendant and his counsel on a review laptop that I assisted in preparing. I understand that the defendant and his counsel reviewed those materials on or about December 15 and 20, 2022.

11. The review and analysis of the Laptop is still preliminary, as the FBI continues to investigate both the defendant's use of the Laptop itself and the means by which the CSAM files were transferred to the Laptop. Based on the analysis conducted thus far, however, I have determined that the Laptop contains CSAM materials that were accessed by the user of the Laptop.

12. I declare under penalty of perjury that, to the best of my knowledge, the foregoing information is true and correct.

Dated: New York, New York  
August 7, 2023

  
Aaron E. Spivaek  
Special Agent  
Federal Bureau of Investigation